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ATF/2633
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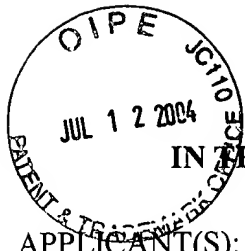
TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/853,556
			Filing Date	May 11, 2001
			First Named Inventor	Laurence J. Newell
			Group Art Unit Number	2633
			Examiner Name	Agustin Bello
Total Number of Pages in This Submission		5	Attorney Docket Number	20852-05134

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Signature:			
Attorney/Reg. No.:	Michael W. Farn, Reg. No. 41,015	Dated:	July 7, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Laurence J. Newell, David A. Pechner, Augustus Elmer and David B. Upham

APPLICATION NO.: 09/853,556

FILING DATE: May 11, 2001

TITLE: Control channel for an optical communications system utilizing frequency division multiplexing

EXAMINER: Agustin Bello

GROUP ART UNIT: 2633

ATTY. DKT. NO.: 20852-05134

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Dated: July 7, 2004

By: Michael W. Farn
Michael W. Farn, Reg. No. 41,015

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INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Please advise if you wish to have copies of any listed U.S. patents.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☒ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☒ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
 - or

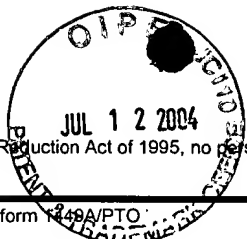
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
LAURENCE J. NEWELL et al.

Dated: July 7, 2004

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Substitute for form PTO/SB/08A

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application No.	09/853,556
Filing Date	May 11, 2001
First Named Inventor	Laurence J. Newell
Art Unit	2633
Examiner Name	Agustin Bello
Attorney Docket Number	20852-05134

Sheet

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of

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U.S. PATENT DOCUMENTS

		Document No.		Name of Patentee or Applicant of Cited Document
Examiner Initials*	Cite No. ¹	Number - Kind Code ² (if known)	Date MM-DD-YYYY	
		US-5,339,184 A	08-16-1994	Tang
		US-5,459,607 A	10-17-1995	Fellows et al.
		US-6,160,649 A	12-12-2000	Horiuchi et al.
		US-6,430,148 B1	08-06-2002	Ring
		US-6,529,303 B1	03-04-2003	Rowan et al.
		US-6,643,470 B1	11-04-2003	Iida et al.

RECEIVED**JUL 15 2004****Technology Center 2633****FOREIGN PATENT DOCUMENTS**

		Foreign Patent Document		Name of Patentee or Applicant of Cited Document	T ⁶
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OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.